

## ORDINANCE NO. 2018-323

### AN ORDINANCE OF THE TOWN OF WALDEN, TENNESSEE ESTABLISHING REGULATIONS AND PENALTIES FOR JUNKED VEHICLES

WHEREAS, the Walden Municipal Code does not currently contain provisions relating to the regulation of and penalties for junked vehicles on private property within the town limits; and

WHEREAS, the Town Council has deemed such regulations to be in the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Board as follows:

Section 1: That the following addition be made to Title 13 of the Walden Municipal Code by adding the following as a new Chapter 4.

**13-401. Definitions.** For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

- (1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.
- (2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.
- (3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where there are no curbs, the entire width of the paved portion of the street, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.
- (4) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth moving equipment, and any part of the same.
- (5) "Junk vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:
  - (6) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.
  - (7) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.
  - (8) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumper or bumpers, windshield, or windows, interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(9) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(10) Interior is a container for metal, glass, paper, rags or other cloth, wood, auto parts, machinery, waste or discarded materials in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(11) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(12) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

(13) If a vehicle has not been moved from a single location for a period of sixty (60) days and has a vehicle registration that has been expired for over twelve (12) months, it will be presumed that the vehicle is so damaged or defective to be immediately inoperable within the meaning of this section.

**13-402.** Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or in any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle for more than sixty (60) days.

**13-403. Exceptions.** It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(1) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance, and other regulations governing the building in which such vehicle is enclosed.

(2) The junk vehicle is parked or stored on property lawfully zoned for business engaged in wrecking, junking or repairing vehicles. However, this exception shall not exempt the owner or operator of any such business from any other zoning, building, fencing, property maintenance and other regulations governing business engaged in wrecking, junking or repairing vehicles.

(3) No person shall park, store, keep and maintain on private property a junk vehicle for any period of time if it poses an immediate threat to the health and safety of citizens of the city.

**13-404. Enforcement.** Pursuant to Tennessee Code Annotated, § 7-63-101, the building official or his designee is authorized to issue ordinance summons for violations of this chapter on private property. The building official or his designee shall upon the complaint of any citizen, or acting

on his own information, investigate complaints of junked vehicles on private property. If after such investigation the building official or his designee finds a junked vehicle on private property, he shall issue an ordinance summons. The ordinance summons shall be served upon the owner or owners of the property, or upon the person or persons apparently in lawful possession of the property, and shall give notice to the same to appear and answer the charges against him or them. If the offender refuses to sign the agreement to appear, the building official or his designee may:

(1) Request the city judge to issue a summons; or

(2) Request a police officer to witness the violation. The police officer who witnesses the violation may issue the offender a citation in lieu of arrest as authorized by Tennessee Code Annotated, § 7-63-101, et seq., or if the offender refuses to sign the citation, may arrest the offender for failure to sign the citation in lieu of arrest.

**13-405. Penalty for violations.** Any person violating this chapter shall be subject to a civil penalty of fifty dollars (\$50.00) plus court costs for each separate violation of this chapter. Each day the violation of this chapter continues shall be considered a separate violation.

**Section 2. Effective Date.** This ordinance shall take effect upon its publication, the public welfare requiring it.

First Reading:  
6/12-2018

YEA 3  
NAY 0

Second Reading:

YEA 2  
NAY 0



Mayor William Trohanis



Recorder Fern Lockhart





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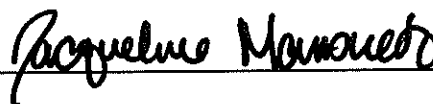
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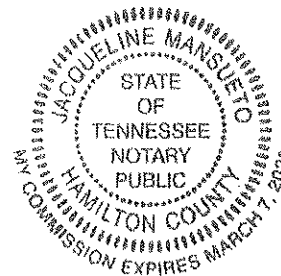
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**PUBLIC NOTICE**  
**TOWN OF WALDEN, TENNESSEE**

The Town of Walden's board of mayor and aldermen passed on final reading Ordinance No. 2018-323, an ordinance establishing regulation and penalties for unked vehicles.

Mayor William Trohanis

September 19, 2018

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**PUBLIC NOTICE**

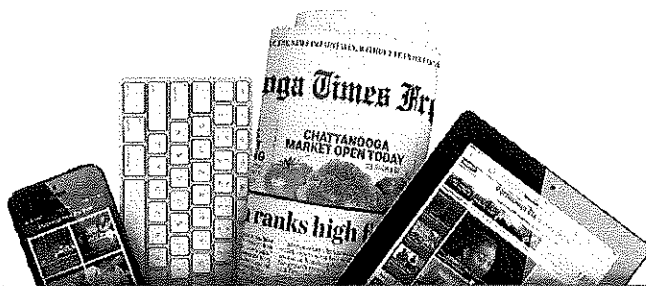
THE TOWN OF WALDEN'S BOARD OF MAYOR AND ALDERMEN PASSED ON FINAL READING ORDINANCE NO.  
2018-323, AN ORDINANCE ESTABLISHING REGULATION AND PENALTIES FOR JUNKED VEHICLES.

MAYOR WILLIAM TROHANIS

If any further information is required regarding this matter, please contact me at 886-4362.

Sincerely,

Fern Lockhart, Recorder



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Mayor William Trohanis

Order Date: 09/19/18

Sales Executive: Jim Stevens

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Pay Type:

Class: 398 Legal Notices

Words: 34

Lines: 10

Columns: 1

Ad Depth: 0.833

PO#: 2018-323

Editions: Chattanooga Times Free Press, TimesFree-Press.com

Price: \$35.50

Discount: \$0.00

Affidavit Charge: \$10.00

Total: \$45.50

Balance Due: \$45.50

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